

From: ["Saric, James" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=1563015DBEEE49A1AEA479C55929F0D1-JSARIC>](mailto:James.Saric@epa.gov)
To: [Bucholtz](mailto:Paul.Bucholtz@deq.state.mi.us)
["Paul \ \(DEQ\\)" <BUCHOLTZP@michigan.gov>](mailto:Paul.Bucholtz@deq.state.mi.us)
CC:
Date: 11/7/2013 4:54:54 PM
Subject: RE: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

Paul,

Sure you can add those comments for clarification regarding these issues. I just don't see how the BUIs are ARARs, maybe TBCs. I could be missing something, but although the AOC BUIs say that the impairments will go away when the Superfund PCB cleanup is finished, I don't believe it (Bt believe it is a Superfund requirement to cleanup to address BUIs).

Jim

From: Bucholtz, Paul (DEQ) [<mailto:BUCHOLTZP@michigan.gov>]
Sent: Thursday, November 07, 2013 4:49 PM
To: Saric, James
Subject: FW: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

Jim, in discussing the ARARs issue with Polly, the issue of AOC BUIs came up. The FS is silent on the whole issue. I think it is necessary that the FS discuss how the various remedies will or won't address removal of the various BUIs listed for the Kalamazoo River AOC. Just wanted to give you a heads up. I will work on getting those added to our comments.

From: Wood, Nicole [<mailto:wood.nicole@epa.gov>]
Sent: Thursday, October 31, 2013 3:30 PM
To: Synk, Polly (AG)
Cc: Saric, James; Bucholtz, Paul (DEQ)
Subject: FW: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

Hi, Polly.

Do you have time to talk next week, just lawyers, on the ARARs. I am wondering whether or not you plan on identifying the State antidegradation requirement as an ARAR for the River, I believe it is relevant and appropriate here being that PCBs will remain in the floodplains. I had sent you the guidance that supports that analysis in my previous email from 10/22/13.

Also, I think that the language I excerpted below from the attached document is incorrect: guidance documents can never be ARARs because they are not requirements, the

PCB criterion of 3.9×10^{-6} ug/L is not enforceable under federal law, so I think it needs to be only a TBC, unless of course the State has rules or regulations that require that number to be met.

Section 2.3.1.3, page 2 (B4, Water Specific ARARs: Great Lakes Water Quality Guidance (PCB criterion of 3.9×10^{-6} ug/L) and MDCH fish consumption advisory (B)H (B) trigger levels (B)I (B) are identified as TBCs. The PCB criterion of 3.9×10^{-6} ug/L should be considered relevant and appropriate.

From: Bucholtz, Paul (DEQ) [<mailto:BUCHOLTZP@michigan.gov>]

Sent: Thursday, October 31, 2013 1:48 PM

To: Fortenberry, Chase

Cc: Draper, Cynthia E; Garret Bondy; Griffith, Garry T.; Jeff.Keiser@CH2M.com; Todd King; Wood, Nicole; Synk, Polly (AG); Devantier, Daria W. (DEQ); Saric, James

Subject: RE: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

Chase,

Enclosed are MDEQs preliminary draft comments on the revised Area 1 FS. We will continue to refine the comments and I will let you know if any remaining issues come to light. As Jim mentioned, we are continuing to work on ARAR related issues with EPA.

Let me know if you need to discuss any of the comments in more detail. We will continue to be available as we work through the issues and develop a final document.

Paul

From: Saric, James [<mailto:saric.james@epa.gov>]

Sent: Wednesday, October 30, 2013 3:13 PM

To: Fortenberry, Chase

Cc: Draper, Cynthia E; Garret Bondy; Griffith, Garry T.; Bucholtz, Paul (DEQ); Jeff.Keiser@CH2M.com; Todd King; Wood, Nicole

Subject: EPA Preliminary Draft Comments on the OU 5, Area 1 FS

Chase,

Enclosed are EPA (B)G (B) preliminary draft comments on the Operable Unit 5, Area 1 revised Feasibility Study document. EPA may have additional comments, as we are working with MDEQ on a few remaining ARAR issues. We will get back to you with any further comments regarding those in the next couple weeks. Also, MDEQ will be sending you their draft comments on the Area 1 FS as well in the next few days.

Please give me a call to discuss how to address these before our 11/21 meeting. Also, we are available to discuss any of these comments before the meeting. We look forward to working with you to resolve these issues.

Thanks

Jim Saric

U.S. EPA Region 5

